

REMARKS

I. Drawings

A Replacement Sheet is attached to this amendment. Applicant believes it meets the objection by adding the path from the Success Plan eCard holder 21 to the Success plan provider system 31, as described in Paragraph 38 of the specification. The authorized payments to the Affiliates 47 are over path 49, as shown in Fig. 1 and described in the last sentence of Paragraph 44, of the specification.

II. Specification

Paragraph [0044] is amended. This amendment and the changes made to Fig. 1 is believed to meet the objections made in Section 3.

II. Claims

Claim 5 is corrected, and is believed to meet examiner's objection.

The Office action is believed to have a typographical error in Section 9. The stated grounds for rejection are "102(b)." However the actual grounds are the combination of the Harris and Pierce patents. It appears the actual ground of rejection is as correctly stated in the heading "Claim Rejection - 35 U.S.C. §103."

Claims 19 to 28 have been replaced with new claims 29 to 33, which are believed to meet examiner's rejection under 35 U.S.C. 112.

Claims 1 to 18 and new claims 29 to 34, are believed to patentable and not anticipated or made obvious by Harris or Pierce, separately or in combination.

Rejection of claims 1 to 18 and 29 to 34 should not be applied for the following grounds.

Harris is exclusively a credit process where the merchant receives 100% of the transaction amount. See Harris, Summary, last sentence. Harris does not show or disclose the claimed debit system recited in claim 28, as,

said means for storing and for processing data indicative of a discount debit card plan for crediting a participating merchant's account with a participating merchant's discounted amount represented by said transaction amount reduced by a participating merchant discount, and for debiting said eCard holder's account with an eCard holder's discounted amount represented by said transaction amount reduced by an eCard holder discount.

Harris does not show or disclose the system recited in claim 1, as,

crediting said merchant's account with a merchant's discounted amount represented by said full transaction amount reduced by said participating merchant's discount and debiting said eCard holder's account with a eCard holder's discounted amount represented by said transaction amount reduced by said eCard holder's discount.

Harris first credits the merchant with 100% of the transaction and applies the same 100% transaction amount to the card holder's credit account. There is no debiting of the card holder's account directly by a debit card transaction. Harris is limited to a credit card transaction and cannot meet this claim limitation .

The instant invention operates by debit card causing the transaction amount to be debited to the eCard holder's bank account. No credits are received as in Harris. The merchant receives the discounted amount. There is not "settlement process," as required in Harris, wherein a discount adjustment is made to the card holder's credit account before payment. The card holder is never liable or on record for, the transaction with the card holder discount.

Pierce is a system for identifying and recording consumer preferences and suffers from the same deficiencies as Harris and cannot meet the claim recitation.

The patents to Harris and Pierce do not show any of the recited elements in the present claims and do not show, teach, describe or disclose any of the functions or structure recited for the the debit card discount system.

Applicant requests examiner consider this amendment and allow a patent to issue.

Respectfully,

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